

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE ENROLLED ACT No. 178

AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 9-25-6-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 20. (a) The bureau shall, upon receiving a order from the Title IV-D agency under IC 12-17-2-34, send a notice to the person who is the subject of the order that includes the following:

(1) Specifies that the person is delinquent in the payment of child support and is subject to suspension of the person's driving privileges;

(2) Explains that unless the person contacts the Title IV-D agency and:

(A) pays the person's child support arrearage in full;

(B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the Title IV-D agency to pay the arrearage; or

(C) requests a hearing under IC 12-17-2-35;

within twenty (20) days after the date the notice is mailed; the bureau shall suspend the person's driving license or permit;

(3) Explains that the person may contest the Title IV-D agency's determination that the person is delinquent in the payment of child support and subject to the suspension of the person's driving privileges by making written application to the Title IV-D agency within twenty (20) days after the date the notice is mailed.

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(4) Explains that the only basis for contesting the Title IV-D agency's determination that the person is delinquent in the payment of child support and subject to the suspension of the person's driving privileges is a mistake of fact.

(5) Explains the procedures to:

- (A) pay the person's child support arrearage in full;
- (B) establish a payment plan with the Title IV-D agency to pay the arrearage;
- (C) request the activation of an income withholding order under IC 31-16-15-2; and
- (D) request a hearing under IC 12-17-2-35.

(6) Explains that the suspension will terminate ten (10) business days after the bureau receives a notice from the Title IV-D agency that the person has:

- (A) paid the person's child support arrearage in full; or
- (B) established a payment plan with the Title IV-D agency to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(7) Explains that the person may be granted a restricted driving permit under IC 9-24-15-6.7 if the person can prove that public transportation is unavailable for travel by the person:

- (A) to and from the person's regular place of employment;
- (B) in the course of the person's regular employment;
- (C) to and from the person's place of worship; or
- (D) to participate in visitation with petitioner's children consistent with a court order granting visitation.

(b) (a) If the bureau is advised by the Title IV-D agency that the person described in subsection (a) **obligor (as defined in IC 12-17-2-2.5)** either requested a hearing under IC 12-17-2-35 and failed to appear or appeared and was found to be delinquent, the bureau shall promptly mail a notice to the **person obligor** stating the following:

(1) That the **person's obligor's** driving privileges are suspended, beginning ~~five (5)~~ **twenty (20)** business days after the date the notice is mailed, and that the suspension will terminate ~~ten (10)~~ **business days** after the bureau receives a notice from the Title IV-D agency that the **person obligor** has:

- (A) paid the **person's obligor's** child support arrearage in full; or
- (B) established a payment plan with the Title IV-D agency to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(2) Explains that the **person obligor** may be granted a restricted

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driving permit under IC 9-24-15-6.7 if the ~~person~~ **obligor** can prove that public transportation is unavailable for travel by the ~~person~~ **obligor**:

- (A) to and from the ~~person's~~ **obligor's** regular place of employment;
- (B) in the course of the ~~person's~~ **obligor's** regular employment;
- (C) to and from the ~~person's~~ **obligor's** place of worship; or
- (D) to participate in visitation with the petitioner's children consistent with a court order granting visitation.

~~(e)~~ **(b)** The bureau may not reinstate a driving license or permit suspended under this section until the bureau receives a notice from the Title IV-D agency that the ~~person~~ **obligor** has:

- (1) paid the ~~person's~~ **obligor's** child support arrearage in full; or
- (2) established a payment plan with the Title IV-D agency to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

~~(d)~~ **(c)** Unless ~~a person~~ **an obligor** whose driving license or permit is suspended under this section has been issued a restricted driving permit under IC 9-24-15 as a result of a suspension under this section, ~~a person~~ **an obligor** who operates a motor vehicle in violation of the section commits a Class A infraction.

SECTION 2. IC 12-17-2-16, AS AMENDED BY P.L.213-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 16. (a) The bureau or its agents shall administer the state's parent locator service. The bureau shall make all necessary requests and responses to the federal parent locator service and to the parent locator services of the other states.

(b) To carry out the bureau's responsibilities under this chapter, the bureau or its agents, through the parent locator service, may request information and assistance from a state, county, city, or town agency. Officers and employees of a state, county, city, or town agency shall cooperate with the bureau in determining the location of a parent who:

- (1) owes child support; or
- (2) has abandoned or deserted a child;

by providing the pertinent information relative to the location, income, and property of the parent, notwithstanding a statute making the information confidential.

(c) Each person doing business in Indiana shall provide the bureau or its agents with the following information, if available, upon certification by the parent locator service that the information is for the purpose of locating a parent who owes child support or who has

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abandoned or deserted a child and that the information obtained is to be treated as confidential by the child support bureau, agency, or division of any other state to which the information is released, notwithstanding a statute making the following information confidential:

- (1) Full name of the parent.
- (2) Social Security number of the parent.
- (3) Date of birth of the parent.
- (4) Address of the parent's residence.
- (5) Amount of wages earned by the parent.
- (6) Number of dependents claimed by the parent on state and federal tax withholding forms.
- (7) Name and address of the parent's employer.
- (8) Name and address of any financial institution maintaining an account for the parent.
- (9) Address of any real property owned by the parent.
- (10) Name and address of the parent's health insurance carrier and health coverage policy number.

(d) **A business in Indiana and each unit of state and local government shall comply with an administrative subpoena issued by a Title IV-D agency in another jurisdiction. The information requested may not be provided unless the Title IV-D agency of the other jurisdiction certifies that the information will be treated as confidential. The business or unit of government shall provide the Title IV-D agency of the other jurisdiction with the information listed in subsection (c), if available, if requested in the subpoena, upon certification by the Title IV-D agency of the other jurisdiction that the information is for the purpose of locating a parent who owes child support or who has abandoned or deserted a child.**

(e) A person may not knowingly refuse to give the bureau, ~~or~~ its agents, **or the Title IV-D agency of another jurisdiction** the following:

- (1) The name of a parent of a child for whom the state is providing public assistance.
- (2) Information that may assist the parent locator service **or other jurisdiction** in locating the parent of a child.

~~(e)~~ (f) Information obtained under subsection (a) may not be used in a criminal prosecution against the informant.

~~(f)~~ (g) A person may not knowingly give the bureau **or the Title IV-D agency of another jurisdiction** the incorrect name of a parent of a child or knowingly give the parent locator service incorrect information on the parent's whereabouts for the purpose of concealing

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the identity of the real parent of the child or the location of the parent.

SECTION 3. IC 12-17-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 21. (a) The bureau shall do the following:

(1) Collect support payments when the payments have been assigned to the state by the application for assistance under Title IV-A.

(2) Assist in obtaining a support order, including an order for health insurance coverage under:

(A) IC 27-8-23;

(B) **IC 31-14-11-3; or**

(C) **IC 31-16-6-4;**

when there is no existing order and assistance is sought.

(3) Assist mothers of children born out of wedlock in establishing paternity and obtaining a support order, including an order for health insurance coverage under IC 27-8-23, when the mother has applied for assistance.

(4) Implement income withholding in any Title IV-D case:

(A) with an arrearage; and

(B) without an order issued by a court or an administrative agency.

**(5) Enforce intrastate and interstate support orders using high volume automated enforcement features.**

**(6) Use a simplified procedure for the review and adjustment of support orders as set forth in 42 U.S.C. 666(a)(10).**

(b) When the bureau collects support payments on behalf of an individual who is no longer a member of a household that receives Title IV-A cash payments, collected support payments, except collections made through a federal tax refund offset, shall be promptly distributed in the following order:

(1) Payment to the recipient of the court ordered support obligation for the month that the support payment is received.

(2) Payment to the recipient of the support payment arrearages that have accrued during any period when the recipient was not a member of a household receiving Title IV-A assistance.

(3) Payment to the state in an amount not to exceed the lesser of:

(A) the total amount of past public assistance paid to the recipient's family; or

(B) the amount assigned to the state by the recipient under IC 12-14-7-1.

(4) Payment of support payment arrearages owed to the recipient.

(5) Payment of any other support payments payable to the

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recipient.

(c) When the bureau receives a payment through a federal tax refund offset on behalf of an individual who has received or is receiving Title IV-A assistance, the child support payment shall be distributed as follows:

- (1) To the state, an amount not to exceed the lesser of:
  - (A) the total amount of past public assistance paid to the individual's family; or
  - (B) the amount assigned to the state by the individual under IC 12-14-7-1.
- (2) To the individual, any amounts remaining after the distribution under subdivision (1).

(d) When the bureau collects a child support payment from any source on behalf of an individual who has never received Title IV-A assistance, the bureau shall forward all money collected to the individual.

(e) When the bureau receives a child support payment on behalf of an individual who currently receives a Title IV-A cash payment or an individual whose cash payment was recouped, the child support payment shall be distributed as follows:

- (1) To the state, an amount not to exceed the lesser of:
  - (A) the total amount of past public assistance paid to the individual's family; or
  - (B) the amount assigned to the state by the individual under IC 12-14-7-1.
- (2) To the individual, any amounts remaining after the distribution under subdivision (1).

(f) Unless otherwise required by federal law, not more than seventy-five (75) days after a written request by a recipient, the bureau shall provide an accounting report to the recipient that identifies the bureau's claim to a child support payment or arrearage.

SECTION 4. IC 14-22-11-3, AS AMENDED BY SEA 190-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) **An applicant for a hunting, trapping, or fishing license must provide the applicant's Social Security number in the space provided on the application for the license. Social Security numbers acquired under this subsection shall be kept confidential and used only to carry out the purposes of the Title IV-D program.**

(b) The director and agents appointed by the director who ~~is an~~ **are** authorized ~~representative~~ representatives of the department shall issue hunting, trapping, and fishing licenses.

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~~(b)~~ (c) The clerk of the circuit court in each county may issue hunting, trapping, and fishing licenses.

~~(c)~~ (d) Each hunting, trapping, or fishing license must be in a form prescribed by the director and shall be countersigned by the clerk or agent issuing the license. The director shall furnish the clerks and agents with all necessary blank forms.

**(e) A person who violates the confidentiality requirement of subsection (a) commits a Class A infraction.**

SECTION 5. IC 31-11-4-4, AS AMENDED BY P.L.213-1999, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) An application for a marriage license must be written and verified. The application must contain the following information concerning each of the applicants:

- (1) Full name.
- (2) Birthplace.
- (3) Residence.
- (4) Age.
- (5) Names of dependent children.
- (6) Full name, including the maiden name of a mother, last known residence, and, if known, the place of birth of:
  - (A) the birth parents of the applicant if the applicant is not adopted; or
  - (B) the adoptive parents of the applicant if the applicant is adopted.
- (7) A statement of facts necessary to determine whether any legal impediment to the proposed marriage exists.
- (8) Except as provided in subsection (e), an acknowledgment that both applicants must sign, affirming that the applicants have received the information described in section 5 of this chapter, including a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome). The acknowledgment required by this subdivision must be in the following form:

**ACKNOWLEDGMENT**

I acknowledge that I have received information regarding dangerous communicable diseases that are sexually transmitted and a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome).

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

(b) The clerk of the circuit court shall record the application,



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including the license and certificate of marriage, in a book provided for that purpose. This book is a public record.

(c) The state department of health shall develop uniform forms for applications for marriage licenses. The state department of health shall furnish these forms to the circuit court clerks. The state department of health may periodically revise these forms.

(d) The state department of health shall require that the record of marriage form developed under subsection (c) must include each applicant's Social Security number. ~~which must be obtained unless the applicant objects. The record of marriage form must specify that an applicant is not required by law to reveal the applicant's Social Security number as part of the marriage application.~~ Any Social Security numbers collected on the record of marriage form shall be kept confidential and used only to carry out the purposes of the Title IV-D program. A person who knowingly or intentionally violates confidentiality regarding an applicant's Social Security numbers as described in this subsection commits a Class A infraction.

(e) Notwithstanding subsection (a), a person who objects on religious grounds is not required to:

- (1) verify the application under subsection (a) by oath or affirmation; or
- (2) sign the acknowledgment described in subsection (a)(8).

However, before the clerk of the circuit court may issue a marriage license to a member of the Old Amish Mennonite church, the bishop of that member must sign a statement that the information in the application is true.

(f) If a person objects on religious grounds to:

- (1) verifying the application under subsection (a) by oath or affirmation; or
  - (2) signing the acknowledgment described in subsection (a)(8);
- the clerk of the circuit court shall indicate that fact on the application for a marriage license.

SECTION 6. IC 31-14-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. **(a)** The court may order either or both parents to pay any reasonable amount for child support after considering all relevant factors, including the following:

- (1) The financial resources of the custodial parent.
- (2) The standard of living the child would have enjoyed had the parents been married and remained married to each other.
- (3) The physical and mental condition of the child.
- (4) The child's educational needs.
- (5) The financial resources and needs of the noncustodial parent.



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**(b) The court shall order a custodial parent or third party under section 9 of this chapter who receives child support to obtain an account at a financial institution unless:**

**(1) the custodial parent or third party files a written objection before a child support order is issued; and**

**(2) the court finds that good cause exists to exempt the custodial parent or third party from the account requirement. A custodial parent or third party ordered to obtain an account shall provide the clerk of the circuit court or other person or entity acting as assignee or trustee for remittance with an account number and any other information necessary to transfer funds to the account.**

**(c) In accordance with its policies, a financial institution may restrict or deny services to a person ordered to obtain an account under this section.**

**(d) This section may not be construed to require the clerk of the circuit court to remit child support payments by electronic funds transfer.**

SECTION 7. IC 31-14-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) Where appropriate, the support order may include:

(1) money for the child's education beyond grade 12, after the court has considered:

(A) the child's aptitude and ability;

(B) the child's reasonable ability to contribute to educational expenses through:

(i) work;

(ii) obtaining loans; and

(iii) obtaining other sources of financial aid reasonably available to the child and the parent or parents; and

(C) the ability of the parents to meet these expenses;

(2) special medical, hospital, or dental expenses necessary to serve the best interests of the child;

(3) fees mandated under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669); and

(4) basic health and hospitalization insurance coverage for the child.

(b) If, however, the Title IV-D agency initiates action to establish or modify a support obligation and petitions the court to include basic health and hospitalization insurance coverage in the support order, the court shall ~~consider including~~ **include** a provision ~~for this addressing~~ **for the child.**

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**(c) In an action initiated by the Title IV-D agency or other parties, the court may order the parent who is ordered to pay child support to provide the insurance coverage for the child** if the insurance coverage is available to the parent at reasonable cost.

SECTION 8. IC 31-14-12-3, AS AMENDED BY P.L.123-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) If the court finds that a party is delinquent as a result of an intentional violation of an order for support, the court may find the party in contempt of court.

(b) If an action or request to enforce payment of a child support arrearage is commenced not later than ten (10) years after:

- (1) the child becomes eighteen (18) years of age; or
- (2) the emancipation of the child;

whichever occurs first, the court may, upon a request by the person or agency entitled to receive child support arrearages, find a party in contempt of court.

(c) The court may order a party who is found in contempt of court under this section to:

- (1) perform community restitution or service without compensation in a manner specified by the court; **or**
- (2) **seek employment.**

SECTION 9. IC 31-16-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. **(a)** In an action for dissolution of marriage under IC 31-15-2, legal separation under IC 31-15-3, or child support under IC 31-16-2, the court may order either parent or both parents to pay any amount reasonable for support of a child, without regard to marital misconduct, after considering all relevant factors, including:

- (1) the financial resources of the custodial parent;
- (2) the standard of living the child would have enjoyed if:
  - (A) the marriage had not been dissolved; or
  - (B) the separation had not been ordered;
- (3) the physical or mental condition of the child and the child's educational needs; and
- (4) the financial resources and needs of the noncustodial parent.

**(b) The court shall order a custodial parent or third party under IC 31-16-10-1 who receives child support to obtain an account at a financial institution unless:**

- (1) the custodial parent or third party files a written objection before a child support order is issued; and
- (2) the court finds that good cause exists to exempt the custodial parent or third party from the account requirement.

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**A custodial parent or third party ordered to obtain an account shall provide the clerk of the circuit court or other person or entity acting as assignee or trustee for remittance with an account number and any other information necessary to transfer funds to the account.**

**(c) In accordance with its policies, a financial institution may restrict or deny services to a person ordered to obtain an account under this section.**

**(d) This section may not be construed to require the clerk of the circuit court to remit child support payments by electronic funds transfer.**

SECTION 10. IC 31-16-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. **(a)** A child support order may also include, where appropriate, basic health and hospitalization insurance coverage for the child.

**(b)** If, however, the Title IV-D agency initiates action to establish a support obligation and petitions the court to include basic health and hospitalization insurance coverage in the support order, the court shall ~~consider including~~ **include** a provision ~~for addressing~~ insurance coverage for the child.

**(c) In an action initiated by the Title IV-D agency or other parties, the court may order the parent who is ordered to pay child support to provide the insurance coverage for the child** if the insurance coverage:

- (1) is available to the parent ordered to pay child support or the dependents of the parent as part of the parent's employee benefit plan; or
- (2) is available at reasonable cost to the parent ordered to pay child support.

SECTION 11. IC 31-16-12-6, AS AMENDED BY P.L.123-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. **(a)** If the court finds that a party is delinquent as a result of an intentional violation of an order for support, the court may find the party in contempt of court. If an action or request to enforce payment of a child support arrearage is commenced not later than ten (10) years after:

- (1) the child becomes eighteen (18) years of age; or
- (2) the emancipation of the child;

whichever occurs first, the court may, upon a request by the person or agency entitled to receive child support arrearages, find a party in contempt of court.

**(b)** The court may order a party who is found in contempt of court

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under this section to:

- (1) perform community restitution or service without compensation in a manner specified by the court; **or**
- (2) seek employment.**

SECTION 12. IC 31-16-15-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 4.5. The child support bureau of the division of family and children shall send notice to an employer, using the National Medical Support Notice described in 45 CFR 303.3, that:**

- (1) a parent ordered to pay support has been ordered to provide insurance coverage as part of the parent's employee benefit plan under IC 31-16-6-4; or**
- (2) an obligation to provide insurance coverage under subdivision (1) is no longer in effect.**

SECTION 13. IC 31-16-15-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 16. (a) Except as provided in subsection (b), if the income payor is required to withhold income from more than one (1) obligor under this chapter, the income payor may:**

- (1) combine in a single payment the withheld amounts for all obligors who have been ordered to pay to the same clerk or other governmental agency; and
- (2) separately identify the part of the single payment that is attributable to each individual obligor.

**(b) If the income payor:**

- (1) is required to withhold income from more than one (1) obligor under this chapter; and**
- (2) employs more than fifty (50) employees;**

**the income payor shall make payments to the state central collection unit through electronic funds transfer.**

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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